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UNITED STATES DISTRICT COURT

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NORTHERN DISTRICT OF CALIFORNIA

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VOTING RIGHTS DEFENSE PROJECT, et
17 al.,

Case No. C-16-02739-WHA

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Plaintiffs,

***EX PARTE MOTION FOR ORDER
SHORTENING TIME FOR SETTING OF
HEARING ON APPLICATION FOR
PRELIMINARY INJUNCTION***

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v.

Date: May 27, 2016

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ALEX PADILLA, et al.,

Defendants.

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Plaintiffs apply to the court *ex parte* for an order shortening time for the setting of a hearing on plaintiffs' application for a preliminary injunction. This *ex parte* application is based upon the following facts:

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1. The subject matter of the underlying application for a preliminary injunction (submitted to the Court with this *ex parte* motion) concerns the California Democratic Party primary election to occur on June 7, 2016;

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2. Because of the nature of the remedies sought by the preliminary injunction applied for by the plaintiffs, to alleviate and mitigate the immediate and irreparable harm presently being caused by the dissemination of incorrect, misleading and incomplete information by the defendants to California voters who designated “no party preference” on their voter registrations and who wish to exercise their right to vote in the 2016 Democratic Party presidential primary,¹ plaintiffs’ application for a preliminary injunction must be heard and adjudicated by the court at the earliest possible time. Plaintiffs therefore request a hearing on their application for a preliminary injunction be held Wednesday, June 1, 2016, or the soonest date before June 7 that is possible for the court. Plaintiffs have been informed that June 3 is impossible for the counsel of the Secretary of State. Plaintiffs have acted expeditiously in gathering their evidence since this issue was brought to their attention two weeks ago, giving the counties notice and not filing against San Mateo County when action was taken to correct ongoing errors in posting of the procedure of the application to vote by mail.
3. Notice of this *ex parte* application was provided to counsel for all defendants on May 26, 2016 by William M. Simpich, counsel for plaintiffs.

Respectfully submitted,

WILLIAM M. SIMPICH
STEPHEN R. JAFFE

By: /s/
Counsel for Plaintiffs

¹ The facts setting forth the immediate and irreparable harm to plaintiffs and affected California voters are set forth in the declarations filed in support of plaintiffs' application for a preliminary injunction.

ORDER

The foregoing *ex parte* application for an order shortening time for the setting of a hearing on plaintiffs' application for a preliminary injunction having been submitted by the plaintiffs, and good cause appearing therefor,

IT IS ORDERED that plaintiffs' application for a preliminary injunction shall be heard on _____, at the _____ AM/PM.

IT IS FURTHER ORDERED that plaintiffs are ordered to serve the Order to Show Cause issued by the Court this date, the application for a preliminary injunction and all papers filed in support thereof, on all defendants no later than May 27, 2016. Personal service or electronic service on counsel for defendants is authorized by the Court.

Dated:

JUDGE OF THE UNITED STATES DISTRICT COURT

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